

HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No. 11556 OF 1996

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Between:

Gudivalla Yadaiah and eight others

.....Petitioner

And

Mandal Revenue Officer,

Malkajgiri Mandal, Ranga Reddy District

and others

.....Respondents

:: ORDER ::

Counsel for the petitioners : Smt K. Pallavi

representing

Sri K.V. Bhanu Prasad

Counsel for Respondent Nos.1 and 2 : Government Pleader for

Revenue

Dated: 12-04-2006

The petitioners who were allotted land comprised in Survey No.543/1 in Malkajgiri area, Chevella Division on 14-07-1981 have filed this petition for restraining the respondents from interfering with their possession and construction over the allotted land by asserting that in the garb of raising construction on the government land comprised in Survey No.479, the respondents are forcibly trying to raise construction in Survey No.543/1.

In support of their assertion that the official respondents are encroaching on land comprised in Survey No.543/1, the petitioners have placed on record report prepared by the Inspector of Survey and some other documents which are not even fully legible.

In the counter affidavit filed on behalf of respondent Nos.1 and 2, it has been averred that the petitioners, who are owners of patta land in Survey No.543/1 are trying to raise construction in Survey No.479, which is a government land.

I have heard learned counsel for the parties and perused the record. In view of the averments contained in the affidavits filed by the parties (neither of the affidavits is verified as per the requirement of Rule 5 of the Andhra Pradesh High

Court Writ Rules, 1977), it is clear that there is a serious dispute between them regarding the survey number which has been encroached by either side and/or illegal construction is being raised. While the petitioners have averred that the official respondents are encroaching upon their patta land, the latter have categorically averred that in the garb of raising construction in Survey No.543/1, the petitioners are seeking to encroach upon government land comprised in Survey No.479.

In my opinion, adjudication of the petitioners prayer would involve a detailed investigation into contentious issue of fact and such issue cannot be decided by the Court under Article 226 of the Constitution and the remedy, if any available to the petitioners for redressal of their grievance against the alleged illegal construction being raised by the official respondents is to file a civil suit.

With the above observations, the writ petition is dismissed.

G.S. SINGHVI, CJ

12-04-2006

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